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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 001727

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TAGS: [PGOV](#) [PREL](#) [IZ](#)  
SUBJECT: PROVINCIAL ELECTIONS UPDATE

REF: A. BAGHDAD CLASSIFIED O/I EMAIL JUNE 2 2008  
[1](#)B. BAGHDAD 1720  
[1](#)C. BAGHDAD 1670

Classified By: Deputy Political Counselor Ellen Germain for reasons 1.4  
(b) and (d)

#### Summary

[1](#)1. (C) The issue of how to handle elections in Kirkuk province now poses the biggest obstacle to speedy passage of the provincial election law. The requirement to hold district and sub-district elections within six months of provincial elections will probably be dropped; there is controversy over how to implement the requirement that 25% of the seats be reserved for women; and the question of staggered versus rolling elections is still in play. Voter registration will probably begin on July 1, and UNAMI is assisting the Independent High Electoral Commission (IHEC) with some of the procedural and logistical snags it is encountering. We believe the Iraqi leadership is still committed to holding elections by the end of the year. End Summary.

#### Election Law Running into Delays

[1](#)2. (C) The issue most likely to delay the election law right now is the Turkish-backed proposal, introduced by the Turkomen bloc, to give the Turkomen, Arabs, and Kurds each 32% of the Kirkuk provincial council seats, with the remaining four percent divided among Christians and other minorities. The Kurds have publicly stated they will walk out of the Council of Representatives (CoR) if this proposal is included in the law. Richard Gee, UNAMI's Political Electoral Affairs Officer, told us on June 5 he believes that in private the Kurds may be slightly more amenable; however Post's discussions with Kurdish Alliance deputy block leader Saadi Barzinji (ref A) and President Talabani (ref B) do not support that belief. We have urged CoR Speaker Mashadani not to allow the Kirkuk issue to delay the entire provincial election process (ref C), as has UNAMI.

[1](#)3. (C) Gee said the CoR Committee on Governorates and Provinces informed UNAMI that the requirement to hold district and sub-district elections within six months after the provincial council elections that is currently in the draft election law would probably be removed, as committee members stated the logistics of voter registration and determining council size would be too difficult to resolve in such a short period of time. Gee expressed concern over the current discussions regarding the draft law's requirement for 25% female representation on the provincial councils. Some CoR members are arguing that only a closed-list electoral system can guarantee that the female quota is met; however, it is likely that the female quota issue is being used as cover to push for closed lists. (Note: UNAMI's election experts have explained to the CoR members that the 25% quota can be met using an open-list system by allocating 25% of the seats to the top vote-getting women. End Note.) Gee said

that in UNAMI's discussions with Samirah J'afer Al-Musawi (UIA), chair of the Women, Family and Children's Committee in the CoR, she suggested dropping the 25% requirement altogether. (Note: The Iraqi constitution requires a 25% female quota be used in national elections, and a Federal Supreme Court opinion from 2007 stated that the requirement applies to provincial elections as well. End Note.)

14. (C) While most CoR members have publicly supported an open list (which allocates seats within a party to the candidates who win the most votes), both we and UNAMI have been hearing more privately-voiced support for the closed-list system, which allows the party leaders to determine who fills the seats that a party wins in the election. CoR Speaker Mashadani strongly supports an open-list system and has said that he will not allow a law with a closed-list system to pass.

#### Status of Voter Registration Process

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15. (C) Voter registration is now likely to start on July 1, as opposed to the June 1 date initially envisioned. Gee said that the Independent High Electoral Commission (IHEC) board was split on moving forward with voter registration absent an election law. Several commissioners believe a letter of intent from the CoR leadership outlining voter eligibility criteria will suffice to begin registration, and Gee felt that the board of commissioners as a whole would agree to proceed if the CoR sent such a letter. The Legal Committee of the CoR had earlier sent a similar letter to the IHEC commissioners, who did not feel a committee letter provided

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the needed political cover should voter eligibility requirements change in the final law. The UNAMI election team has now met with Deputy Speaker Khalid Attiyah, who assured them a letter from the political leaders would be forthcoming. The team also met with Vice President Adel Abdel Mehdi, who also voiced support for this plan and promised to follow up with the CoR.

16. (C) Payment for the voter registration materials being printed in Dubai has hit a snag. According to IHEC regulations, payment cannot be made until an IHEC technical team assesses the quality and technical accuracy of the draft voter registration list. The technical team has been unable to secure visas for the UAE, and so printing has stopped. UNAMI's office in Amman is assisting IHEC's technical assessment team on the visa issue, and Gee anticipates the visas will be forthcoming early next week.

17. (C) Problems with procurement regulations are also proving a potential obstacle to voter registration preparations. Iraqi law states that government agencies and ministries must follow strict procurement guidelines in order to eliminate corruption. In the time-critical election preparation process, IHEC believes it must be exempt from these procedures if it is to adhere to any sort of government-imposed timeline. UNAMI has been working with IHEC to develop checks and balances against corruption in its procurement procedures if the Prime Minister's Office grants the exemption.

#### Comment

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18. (C) While the technical aspects of the election process appear to be moving along, despite some problems; the difficult political compromises necessary to pass an election law are becoming more apparent. The Kirkuk issue could delay passage of the law by a month or so, but we believe the CoR leadership is still committed to passing the law and holding elections this year. The issue of staggered versus one-day elections is still in play, despite PM Maliki's statement on May 18 that elections would be held on multiple days. IHEC

and the Iraqi security forces all believe that security would be better served by holding elections on a single day; however that message has not gotten through to Maliki (or he does not want to hear it), as he and others continue to cite security as the reason for preferring staggered elections. We and UNAMI continue to point out the security and credibility problems presented by staggered elections, and are encouraging IHEC to weigh in with the GOI.

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